

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 3, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Pam Ferguson of WSWI and Debbie Scott of IABR were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the May 20, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the June 3, 2003 meeting, pending approval by the Commission. Motion seconded by Commissioner Marks and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

One hundred eighty-four (184) renewals approved, twenty-three (23) new and/or transfer permits approved, eleven (11) permits conditionally approved, one (1) permit approved for first year escrow, and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR89-20314 & RR89-20315 DRD, LLC - Vice Chairperson Glass noted this is a new type 103 application and a new type 210-1 application with the local board voting three (3) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permits. Motion seconded by Commissioner Davis and it was unanimously approved.

DL49-20066 SPEEDWAY SUPERAMERICA, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove. Applicant did not appear at the local board hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR43-97405 & RR 43-96321 HOGGLE'S, INC. – Vice Chairperson Glass noted this is a type 210-1 and a type 112 transfer of ownership application with the local board voting two (2) to zero (0) to approve. The Commission has policy that allows the Commission to accept the votes of only two local board members.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

THE MILL RESTAURANT – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve the request. Motion seconded by Commissioner Marks and it was unanimously approved.

ROBIN REDBREAST'S, LLC - Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve the request. Motion seconded by Commissioner Davis and it was unanimously approved.

DL76-96230 MICHAEL N. LUBY – Vice Chairperson Glass noted this is a type 116 renewal application with the local board voting four (4) to zero (0) to approve. This file was under appeal and remanded to the local board by the Commission because the circumstances surrounding the stock had changed regarding the store.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make nine (9) permits inactive. Five (5) permits were not subject to auction and four (4) permits were subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

LSA DOC #02-338 KEG RULES – Executive Secretary Webb stated at the Commission received written comments concerning this rule and has made two changes in the rule as it was originally published. Neither change is substantial enough to require a new public hearing. The changes are as follows:

Section 2 (3)(a) adds the word “wholesale”.

Section 2 (5) adds the words “at the amount of the commission's cost for producing it”.

Chairperson DePrez moved to approve the rule in the form as of June 3, 2003. Motion seconded by Commissioner Davis and it was unanimously approved.

NEW LEGISLATION – Chairperson DePrez stated the employee permit fee will go up to \$30.00 on July 1, 2003. The application form that is on the website now reflects that change. She stated all the details have not been worked out yet, but there will be a grace

period, because some people will have the application in the mail before July 1 and we don't want to have to send all applications back. Also, we hopefully will be doing a mass mailing to all permittees whose employees need employee permits. Included in that will be the new application.

The Commission is going to send out letters to current catering permittees that has the new catering form attached.

The Tobacco Certificate application form is almost ready and will be put on our website when it is finished. The Commission is working with Access Indiana, so applicants will be able to apply on line for this certificate only.

NEW BUSINESS

DUESENBERG MUSEUM A TOUR OF VIENNA – Auburn Cord Duesenberg Museum is requesting permission to serve donated alcoholic beverages at their *A Tour of Vienna* luncheon.

UNICORN CLUB OF INDY PRIDE 2003 EVENT – The Unicorn club would like to serve donated alcoholic beverages at their Indy Pride 2003 event.

NATIONAL KIDNEY FOUNDATION CADILLAC INVITATIONAL CHARITY GOLF TOURNAMENT – National Kidney Foundation would like to serve donated alcoholic beverages at their Cadillac Invitational Charity Golf Tournament dinner.

HANCOCK MEMORIAL HOSPITAL FOUNDATION ANNUAL GOLF BENEFIT – Hancock Memorial Hospital Foundation would like to sell donated alcoholic beverages at their Annual Golf Benefit.

LEUKEMIA & LYMPHOMA SOCIETY'S 10TH ANNUAL DIAMOND BALL – The Leukemia & Lymphoma Society would like to serve donated alcoholic beverages at their 10th Annual Diamond Ball.

ARTS UNITED WINE TASTING – Arts United would like to use donated alcoholic beverages for their wine tasting.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing under advisement.

ANNOUNCEMENTS

PUBLIC HEARING – Executive Secretary Webb stated the ATC will hold a public hearing concerning LSA Documents #03-38, #03-39 and #03-40 on Monday, June 9, 2003 at 10:00 a.m.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER